

REMARKS

I. Introduction.

Claims 51-68 and 72-91 are pending and stand rejected. A number of the prior objections/rejections have been withdrawn. The Office Action states that priority has not been granted since the Applicant has not filed certified copies of the priority applications. Claims 51-68 and 72-91 were rejected under 35 U.S.C. Section 112, first paragraph as purportedly failing to comply with the written description requirement. Claims 51-61, 63-68, 70-72, 74-79, 81-85, and 87 were rejected under 35 U.S.C. Section 103(a). Claims 80; 88-91; 86; 65; and 57 were separately rejected under 35 U.S.C. Section 103(a). Claims 51-68 and 72-91 were also rejected under the judicially created doctrine of obviousness-type double patenting as purportedly being unpatentable over Claims 1-40 of U.S. Patent 6,683,036.

II. Priority.

The Applicants will re-order and re-submit certified copies of the priority documents when they are received.

III. The 35 U.S.C. Section 112 Rejection.

Claims 51-68 and 72-91 were rejected under 35 U.S.C. Section 112, first paragraph as purportedly failing to comply with the written description requirement. The Office Action states that the specification, as originally filed, provides no basis for the phrase "wherein the composition is free of liquid hydrocarbons."

The Office Action further states that upon cancellation of this matter, the prior art rejection using U.S. Patent 5,891,836, Kacher, will be reinstated.

The phrase that serves as the basis for the rejection has been deleted. The Kacher reference discloses compositions that contain higher levels of surfactants -- from about 20% to 40% of an anionic surfactant component and from about 3% to 10% of a certain type of nonionic surfactant component.

IV. The 35 U.S.C. Section 103(a) Rejections.

A. The Rejection of Claims 51-56, 58-64, 66-68, 72-79, 81-85, and 87.

Claims 51-56, 58-64, 66-68, 72-79, 81-85, and 87 were rejected under 35 U.S.C. Section 103(a) over U.S. Patent 5,102,573 issued to Han, et al.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Claim 51 has been amended to specify that the claimed composition has a pH as measured in a 10% solution of distilled water of at least about 10.5. The Han, et al. reference is directed to liquid, caustic-free compositions having neat pH's of 10 or less. Among other things, the Han, et al. reference does not teach or disclose, and, therefore, does not render obvious compositions having a pH as measured in a 10% solution of distilled water of at least about 10.5.

B. Claim 80.

Claim 80 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Han as applied to the preceding set of claims (Section IV A of this response), and further in view of U.S. Patent 5,741,767, Nicholson, et al.

Applicants respectfully request that this rejection be reconsidered and withdrawn. The Han, et al. reference is directed to liquid, caustic-free compositions having neat pH's of 10 or less. The Nicholson reference discloses compositions wherein a 1% aqueous solution of the composition must have a pH of less than 10. The combination of references does not render obvious compositions having a pH as measured in a 10% solution of distilled water of at least about 10.5.

C. Claims 88-91.

Claims 88-91 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Han, et al. as applied to the first set of claims, and further in view of U.S. Patent 6,001,789 issued to Trinh, et al.

The Office Action states that it would have been obvious to one of ordinary skill in the art to use a perfume-cyclodextrin complex in the cleaning composition taught by Han, et al., with a

reasonable expectation of success, because Trinh, et al. teach the use of a perfume-cyclodextrin complex a similar cleaning composition and further, Han, et al. teaches the use of perfumes in general.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. Trinh, et al. does not teach a similar cleaning composition. Trinh, et al. teaches a composition that is dosed in a toilet bowl. A person of ordinary skill in the art of creating compositions for cleaning food soils from kitchen utensils, flatware, dishes, and the like, would not be motivated to look at a reference, such as Trinh, et al., that is directed to a cleaning block that is placed in a toilet bowl. A person of ordinary skill in the art would not be motivated to combine a general disclosure of a perfume in a dish cleaner with a disclosure of a blooming perfume composition that is used to provide a positive scent signal in a toilet bowl over the life of a rim block that is located in the toilet bowl.

D. Claim 86.

Claim 86 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Han as applied to the first set of claims, and further in view of U.S. Patent 5,739,092, Ofosu-Asante, et al.

The Office Action states that it would have been obvious to one of ordinary skill in the art to use a magnesium or calcium ion(s) in the cleaning compositions taught by Han, et al., with a reasonable expectation of success, because Ofosu-Asante teaches the advantageous properties imparted to a similar hard surface cleaner when using magnesium and/or calcium ions.

It is respectfully requested that this rejection be reconsidered and withdrawn. As discussed above, the Han, et al. reference is directed to liquid, caustic-free compositions having neat pH's of 10 or less. Ofosu-Asante, et al. teaches dishwashing compositions having a pH in a 10% solution in water at 20°C of between about 7 and about 11. The combination of references does not render obvious compositions having a pH as measured in a 10% solution of distilled water of from about 11.5 to about 13.5.

E. Claim 65.

Claim 65 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Han as applied to the first set of claims, and further in view of U.S. Patent 5,929,007, Feng, et al.

The Office Action states that it would have been obvious to one of ordinary skill in the art to use propylene glycol butyl ether in the cleaning composition taught by Han, et al., with a reasonable expectation of success, because Feng, et al. teach the equivalence of propylene glycol methyl ether acetate to propylene glycol n-butyl ether in a similar cleaning composition and, further, Han, et al. teach the use of propylene glycol methyl ether acetate.

Claim 65 is not obvious in view of the Han, et al. and Feng, et al. references for the same reasons that the group of claims discussed previously are not obvious in view of the Han, et al. reference. The combination of references, therefore, does not render obvious the invention described in Claim 65. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

F. Claim 57.

Claim 57 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Han as applied to the first set of claims, and further in view of Kacher.

The Office Action states that it would have been obvious to one of ordinary skill in the art to use an amine oxide surfactant in the cleaning composition taught by Han, et al., with a reasonable expectation of success, because Kacher teaches the use of amine oxides as suds boosters and further, Han, et al. teach the use of foam boosters in general.

As discussed above, the Han, et al. reference is directed to liquid, caustic-free compositions having neat pH's of 10 or less, and the Kacher reference discloses compositions that contain higher levels of surfactants -- from about 20% to 40% of an anionic surfactant component and from about 3% to 10% of a certain type of nonionic surfactant component. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

V. The Double Patenting Rejection.


Claims 51-68 and 72-91 were also rejected under the judicially created doctrine of obviousness-type double patenting as purportedly being unpatentable over Claims 1-40 of U.S. Patent 6,683,036.

The Applicants are submitting a terminal disclaimer herein to obviate this double patenting rejection.

VI. Summary.

In view of the foregoing, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,
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